

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Summit Natural Gas of)
Missouri Inc., for Permission and Approval and a)
Certificate of Convenience and Necessity to Construct,)
Install, Own, Operate, Maintain, and Otherwise Control) Case No. _____
and Manage a Natural Gas Distribution System to Provide)
Gas Service to One Property in Lawrence County as an)
Expansion of its Existing Certificated Areas.)

In the Matter of the Application of Southern Missouri Gas)
Company, L.P., d/b/a Southern Missouri Natural Gas, for a)
Certificate of Public Convenience and Necessity)
Authorizing it to Construct, Install, Own, Operate, Control,) Case No. GA-2007-0168
Manage and Maintain a Natural Gas Distribution System to)
Provide Gas Service in Branson, Branson West, Reeds)
Spring and Hollister, Missouri.)

**APPLICATION FOR CERTIFICATE OF CONVENIENCE
AND NECESSITY, REQUEST FOR VARIANCES AND REQUEST FOR WAIVER**

COMES NOW Summit Natural Gas of Missouri, Inc. (a successor to Missouri Gas Utility, Inc. and Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas) (“SNGMO” or the “Company”), by and through its undersigned counsel, and, pursuant to RSMo. §393.170, requests permission and approval and a certificate of convenience and necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control and manage a natural gas distribution system to provide gas service to one particular property in Lawrence County, Missouri, as a further expansion of its existing certificated area. In support of this request, SNGMO respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. SNGMO is a wholly owned subsidiary of Summit Utilities, Inc., and is a corporation duly incorporated under the laws of the State of Colorado with its principal offices located at 7810 Shaffer Parkway, Suite 120, Littleton, Colorado, 80127. A copy of a certificate

from the Missouri Secretary of State that SNGMO is authorized to do business in Missouri as a foreign corporation was submitted in Case No. GA-2012-0285 and is incorporated by reference. Other than cases that have been docketed at the Commission, SNGMO has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court within the past three years that involve customer service or rates other than such matters as have become before the Commission. SNGMO has no annual report or assessment fees that are overdue.

2. SNGMO conducts business as a “gas corporation” and a “public utility” as those terms are defined in RSMo. §386.020, and provides natural gas service in the Missouri counties of Harrison, Daviess, Caldwell, Pettis, Benton, Morgan, Camden, Miller, Greene, Webster, Laclede, Wright, Douglas, Texas, Howell, Lawrence, Barry, Stone, and Taney, subject to the jurisdiction of the Commission as provided by law.

3. All correspondence, communications, notices, orders and decisions of the Commission with respect to this matter should be sent to the undersigned counsel and:

Matthew Kaply
Sr. Director Legislative and Regulatory Affairs
Summit Utilities Inc.
7810 Shaffer Pkwy., Ste. 120
Littleton, CO 80127
Telephone: 207-621-8000, ex. 1430
Email: mkaply@summitnaturalgas.com

Hannah Ahrendt
Regulatory Affairs Specialist II
Summit Utilities, Inc.
7810 Schaffer Pkwy. Ste. 120
Littleton, CO 80127
Telephone: 720-981-2123, ex. 1173
Email: hahrendt@summitutilitiesinc.com

4. SNGMO seeks a service area CCN for the property described in Appendix 1. A map of the property is found at Appendix 2. The names and address of the current residents/owners of the subject property are shown on the attached Appendix 3. Appendices 2 and 3 have been identified as Confidential pursuant to Commission Rule 4 CSR 240-2.135(2)(A)1, because they contain information relating directly to specific customers, or potential customers.

5. The subject property is located in Spire Missouri Inc.'s western service territory (formerly known as Missouri Gas Energy ("MGE")), but is also located in a section listed in SNGMO's tariffs as being part of its Branson Division. This portion of SNGMO's territory was primarily certificated for a "line certificate," but SNGMO does provide service to some locations in this area through "farm taps."

6. In Case No. GA-2007-0168, Southern Missouri Gas Company, L.P. d/b/a Southern Missouri Natural Gas (SNGMO's predecessor) and MGE (now, Spire Missouri Inc. ("Spire")) entered into and submitted a Stipulation and Agreement on December 4, 2007. Pursuant to paragraph 2 of the stipulation, SNGMO's predecessor voluntarily and expressly waived any right to request a CCN for any territory in which MGE was already certificated. Pursuant to paragraph 3 of the stipulation, however, an exception was created for SNGMO's predecessor to "provide service through farm taps for domestic purposes only when necessary to obtain right-of-way for the construction of the pipeline." The stipulation was approved by the Commission with its Report and Order issued February 5, 2008, effective February 15, 2008.

7. The owners of the subject property requested gas service from Spire, but determined that it would be cost prohibitive, because of the property's distance from Spire's current line. The owners of the subject property then requested gas service from SNGMO. The

proximity of the subject property in relation to SNGMO's existing line is shown in **Appendix 2** attached hereto. Although the requested service will be akin to the current SNGMO "farm taps" in the area, the provision of service would not be the result of easement acquisition related to pipeline construction. Therefore, an order granting SNGMO a variance from the stipulation in Case No. GA-2007-0168 and authorizing SNGMO to provide the requested service will be necessary in order for SNGMO to provide gas service to the subject property. In all other respects, the Stipulation and Agreement approved by the Commission in Case No. GA-2007-0168 will remain in full force and effect.

8. The requested CCN is to allow SNGMO to provide service to a single property. The filing of this Application was contemplated by the Stipulation and Agreement filed in Commission Case No. GC-2017-0199, and approved by the Commission's *Order Approving Stipulation and Agreement* issued June 6, 2018, effective June 16, 2018.

9. To provide natural gas service to the subject property, SNGMO will not need to install any new facilities or engage in any construction, other than extending a service line to the property. Also, no financing will be required. As such, SNGMO seeks a variance from the requirements of Commission Rule 4 CSR 240-3.205(1)(A) with regard to the provision of a plat and a feasibility study.

10. SNGMO holds all necessary franchises and permits from municipalities, counties, or other authorities that are required for SNGMO to serve the subject property.

11. The rates for the proposed area will be those approved and in effect for the Residential Service (GS) rate for SNGMO's Branson division, so long as the character of service is residential ("for non-business, non-commercial or nonindustrial use at a single point of delivery"), and until such rates may be changed by order of the Commission.

12. SNGMO's experience in the operation of natural gas systems gives it the ability to provide this service in an efficient manner. For all reasons set forth herein, a grant of the application will further the public convenience and necessity.

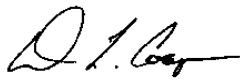
13. Commission Rule 4 CSR 240-4.017(1) provides that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case." No such notice was filed herein. As such, SNGMO seeks a waiver of the 60-day notice requirement.

14. Commission Rule 4 CSR 240-4.017(1)(D) provides that a waiver may be granted for good cause. In this regard, SNGMO declares (as verified below) that they have had no communication with the Office of the Commission (as defined in Commission Rule 4 CSR 240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case. Additionally, the subject property is in need of gas service, and a delay in filing this Application would delay the provision of this necessary service.

WHEREFORE, SNGMO requests, for good cause shown, that the Commission waive the notice requirement of 4 CSR 240-4.017(1), grant a variance from the referenced stipulation in Case No. GA-2007-0168, grant a variance from the filing requirements of Commission Rule 4 CSR 240-3.205(1)(A), approve this Application, issue a CCN to SNGMO as set forth above and in the attached schedules, and grant such other and further relief as is just and proper under the circumstances.

BRYDON, SWEARENGEN & ENGLAND P.C.

By:



Dean L. Cooper MBE #36592
Diana C. Carter MBE #50527
312 E. Capitol Avenue; P. O. Box 456

Jefferson City, MO 65102
Phone: (573) 635-7166
E-Mail: dcooper@BrydonLaw.com

**ATTORNEYS FOR SUMMIT NATURAL GAS
OF MISSOURI, INC.**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 28th day of June, 2018, to:

Jeff Keevil
General Counsel's Office
staffcounsel@psc.mo.gov
Jeff.Keevil@psc.mo.gov

Office of the Public Counsel
opc@ded.mo.gov

Penny Speake
Healy Law Offices
penny@healylawoffices.com

Rick Zucker
Spire Missouri Inc.
rick.zucker@spireenergy.com



APPENDIX 1

The following described lots, tracts or parcels of land lying, being and situate in the County of Lawrence, State of Missouri, to wit:

Part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Fourteen (14), Township Twenty-six North (26N), Range Twenty-six West (26W), Lawrence County, Missouri, described as beginning at the Northwest corner thereof, thence South 0°02'27" West 281.0 feet along the West line of said Quarter-Quarter, thence South 89°47'47" East 775.09 feet, thence North 0°02'27" East 281.0 feet to the North line of said Quarter-Quarter, thence North 89°47'47" West 775.09 feet along said North line to the point of beginning and containing 5.0 acres, more or less. Subject to County road right of way and any easements or restrictions of record or fact, if any.

The demised property to be used for single family residential uses only.